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NEW YORK CONTAINER TERMINAL, INC.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOUTH PACIFIC SHIPPING CO. LTD
(d/b/a Ecuadorian Line) and PACIFIC FRUIT, INC.

Case No. 07 Civ. 06317 (GEL)

Plaintiffs,

- against -

NEW YORK CONTAINER TERMINAL, INC.

Defendant.
-----X

**DECLARATION OF
JOSEPH CORDERO**

Joseph Cordero declares as follows:

1. I have been employed since 2001 by New York Container Terminal, Inc. and its predecessor company as a stevedoring superintendent and then Director of Marine Operations at the company's terminal in Staten Island, New York (the "Terminal"). Since being employed, I have supervised the stevedoring for Ecuadorian Line vessels calling at the Terminal.
2. Up to and including December 2006, stevedoring gangs under my supervision regularly discharged inbound cargo and loaded weekly outbound cargo on Island Class vessels sailing in the Ecuadorian Line ("ECL") service. Since December

2006, we have only seen two (2) Island Class vessels. All the other weekly calls have been Ocean Class vessels.

3. As the schedule attached hereto as Exhibit "A" indicates, the Terminal has generally been able to discharge and load ECL's Island Class vessels in twenty-four (24) to thirty-six (36) hours.

4. On those occasions after December 31, 2006 when ECL provided a different class of vessels to be worked (the Ocean Class), it has required from two-and-a-half (2 ½) to three (3) days to discharge and load such a vessel.

5. The reasons for the difference in the rate at which stevedoring gangs under my supervision have been able to complete the handling of an Island Class vessel versus an Ocean Class vessel are as follows:

- a. The Island Class vessels generally carry as many as 160 containers on deck which we have been able to discharge in four (4) hours or less.
- b. The Island Class vessels normally discharged approximately 2000 pallets per voyage of palletized, non-containerized bananas and fruit, and the balance of any cargo was left aboard (approximately another 2000 pallets of non-containerized bananas) for discharge at Antwerp.
- c. The Ocean Class vessels generally discharged no more than sixty-six (66) containers but carried approximately 4000 pallets of non-containerized bananas.
- d. The Island Class vessels allow the Terminal to use four (4) forklifts in all the hatches.

e. The Ocean Class vessels do not allow the use of four forklifts in all hatches. In addition, in those hatches where you can ultimately use four (4) machines, because of the vessels' construction and stowage of cargo it takes considerably longer to get to a point where all four (4) machines can be employed.

6. The Banana Building at the Terminal is only capable of holding approximately 1,750 pallets of bananas, and in order to handle the excess, pallets of bananas need to be stuffed into numerous refrigerated containers. This involves collecting enough refrigerated containers, locating sufficient chassis, mounting the containers on chassis, and connecting the reefers to electrical plugs maintained at the Terminal or power packs which have to be secured in order to provide power to the reefers when there are not sufficient plugs.

I declare under penalty of perjury that the foregoing is true and correct. Executed in New York, New York, on August 6, 2007.

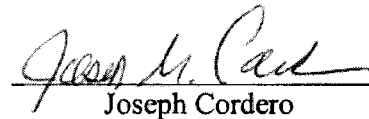
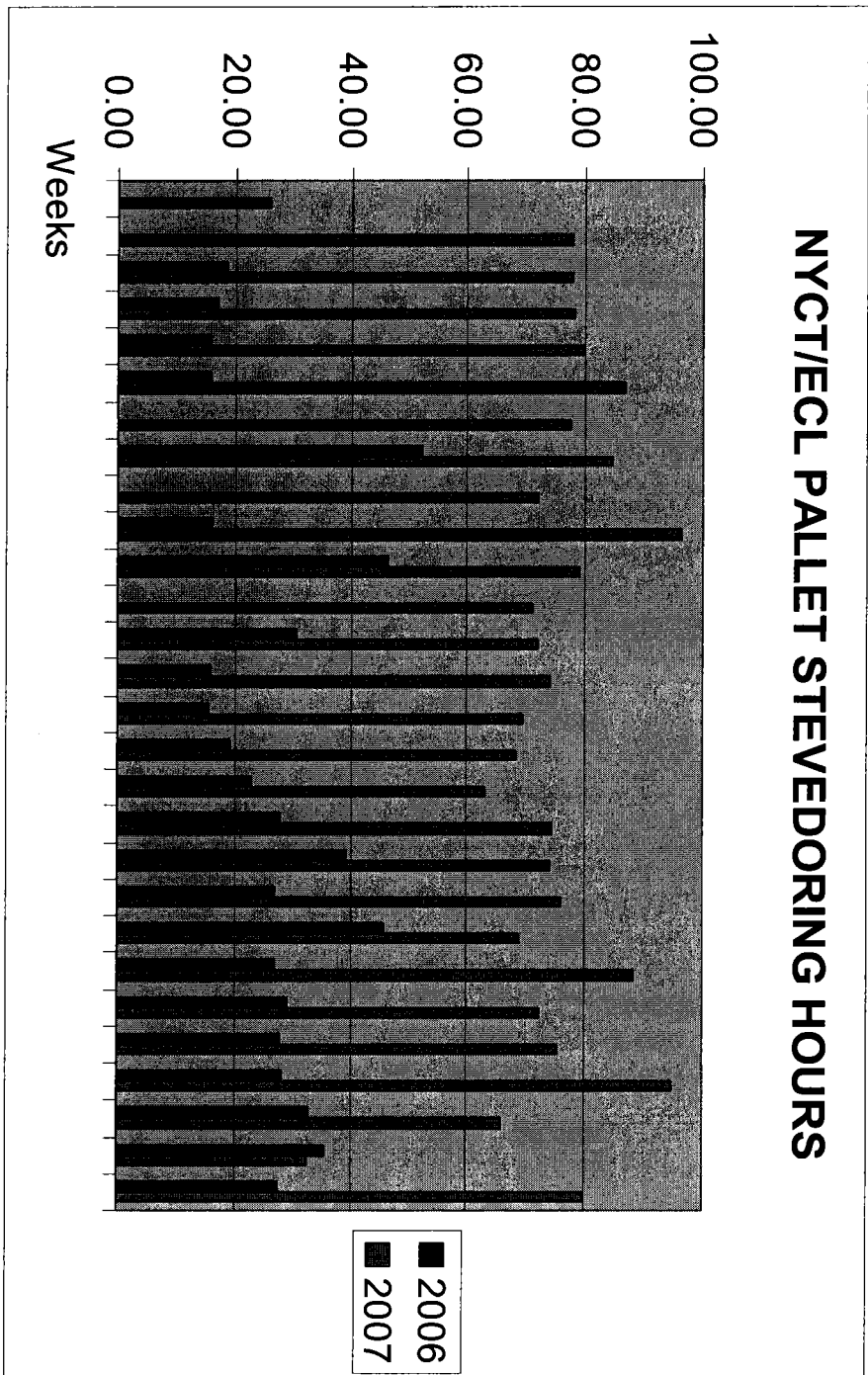

Joseph Cordero

EXHIBIT A



	2006	2007
1	26.00	77.90
2	77.90	77.90
3	77.90	77.90
4	77.90	77.90
5	77.90	77.90
6	77.90	77.90
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